

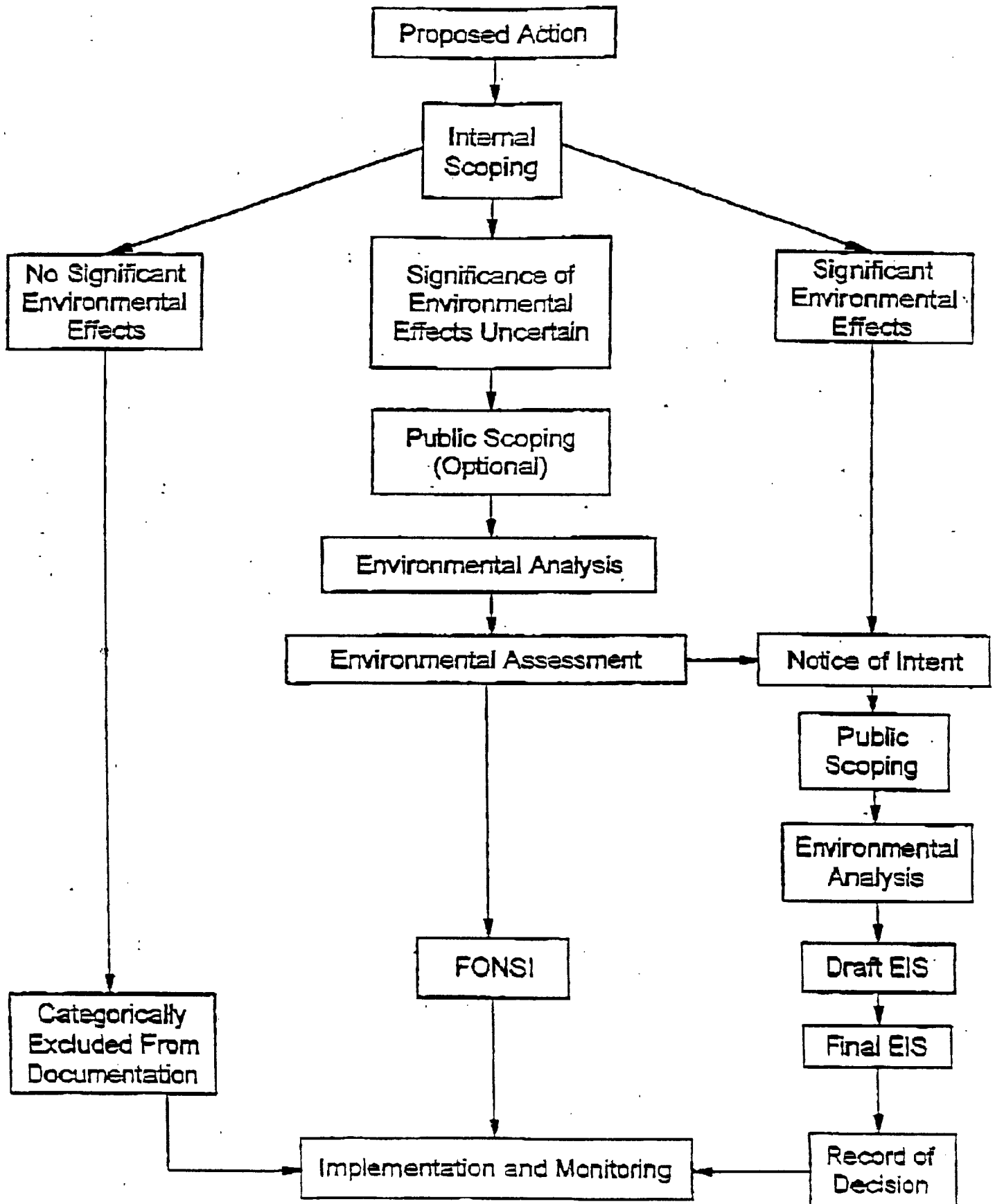
Difference Between HCP and NEPA

- HCP
 - specify impacts to Threatened/Endangered species and a taking situation
 - specify alternatives considered and why they are not used
 - specify steps to minimize and mitigate, including funding for Threatened/Endangered species
- NEPA
 - conduct detailed, analytical evaluation of **all** impacts
 - rigorously explore and objectively evaluate **all** reasonable alternatives
 - identify **all** appropriate mitigation of environmental impacts

HCP/Section 10(a)(1)(B) Permit Public Review Process - EIS

- Federal Register Notice of Intent
 - to prepare an EIS
 - to announce public meeting(s) (*optional*)
- Public Scoping Meeting(s)
- Federal Register Notice of Availability
 - notice of receipt of application
 - draft HCP
 - draft EIS
 - draft Implementing Agreement (*optional*)
 - announce public meeting(s)
- Public Meeting(s) and 90-day Review
- Federal Register Notice of Availability
 - final HCP
 - final EIS
 - final Implementing Agreement (*optional*)
- 30-day cooling off period
- Record of Decision
- Permit Decision

NEPA Environmental Analysis



The Federal and State Environmental Review Processes



EIS is Required When

- Major Federal action with significant effects
- Controversy over environmental effects
- Policy or regulations which substantially alter programs
- Programs allocating agency resources upon which future actions will be based
- Specific projects with significant effects
- Trigger: level of impact

What is a “Federal Action”

- NEPA applies when a Federal Agency proposes an “action” under its control or responsibility
- A “Federal action” could be categorically excluded or require the preparation of an EA or EIS
- A “major Federal action” requires the preparation of an EIS
- The issuance of a Section 10(a)(1)(B) Incidental Take Permit is a FWS “action” that requires NEPA

NEPA Key Words and Phrases

- **Impact - Effect**

- The result(s) of one action affecting another action, item, or thing

Direct Effect - caused by the action and occur at the same time and place

Indirect Effect - caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable

Cumulative Effect - results from the incremental impact of the actions when added to other past, present, and reasonably foreseeable future actions

- **Environmental impact**

- The measurable change in the environment with the proposed action and each alternative

- **Proposed action**

- The activity proposed by the applicant seeking a permit

- **Significant**

- Having or likely a major influence or environmental effect created by context and intensity.

- **Human environment**

- Natural and physical environment and the relationship or people with that environment, including interrelated effects such as social, economic, historic, etc.